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SUBJECT: UNSCR 1540: DEMARCHES ON MANDATE RENEWAL
DELIVERED TO UK AND FRANCE

REF: STATE 08246

¶1. (SBU) Begin Summary: Per reftel, Mission delivered the demarche providing U.S. objectives for the renewal of the 1540 Committee's mandate to the UK and French representatives to the Committee. While emphasizing that they did not have reactions from Paris or London, both welcomed the U.S. initiative and thought a five-year extension would be useful but raised questions and concerns about aspects of the U.S. proposals. Separately, South Africa's representative to the 1540 Committee advised USUN that South Africa would oppose any effort to change the obligations set forth in resolution 1540 or to strengthen the Committee's mandate by defining standards for states' implementation of the resolution. End Summary.

Five-Year Renewal

¶2. (SBU) Both the UKUN and French experts supported a five-year renewal, but cautioned against closing down the Committee at the end of that five-year period, stressing the Committee's importance in ensuring that states implement their 1540 obligations. They also questioned whether any other UN entity would have the teeth to play an effective monitoring role. France also argued that it is premature to make decisions about the 1540 Committee's ultimate future since the proliferation threat is evolving.

Action Plans

¶3. (SBU) UKUN's expert welcomed the proposal to mandate states to prepare action plans focusing on implementing resolution 1540. UKUN said it would be useful to emphasize that the plans would serve as a substitute for the submission of reports and matrices to the Committee.

¶4. (SBU) The French expert favored a more focused approach that did not seek new paperwork from all states. Developing states would see a call for action plans as another burdensome paper exercise, he said. He also doubted that the political pledges the members of the Organization for American States (OAS), the Organization for Security and Cooperation in Europe (OSCE), and ASEAN Regional Forum have made to prepare 1540-related action plans would significantly change states' skepticism. Since many states lack the ability to assess their technical assistance needs effectively, he thought it would be unrealistic to think that they could prepare action plans that the Committee could use to facilitate the delivery of technical assistance.

¶5. (SBU) Instead, the French expert thought the Committee should target its outreach to states in areas of proliferation risk and work with them individually, including through focused country visits, to identify technical

assistance needs. He admitted that it could be politically difficult for the Committee to develop a risk-based outreach strategy but suggested the P-3 or the P-5, through work outside the Committee, might find ways for the Committee to accomplish that objective in a less direct way.

Regional Organizations

¶16. (SBU) Both UKUN and France's experts welcomed the proposal to strengthen ties to relevant regional organizations. UKUN suggested calling for the Committee to strengthen its ties to the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons (OPCW) so these organizations can provide technical assistance to promote states' implementation of resolution ¶1540.

FATF

¶17. (SBU) While welcoming the concept of having the resolution take note of the Financial Action Task Force's work, UKUN and France's experts thought the concept could prove controversial within the Council.

Specific Financial Measures and Controls

¶18. (SBU) UKUN and France's experts both said it would be difficult to achieve consensus on resolution language listing specific financial measures and controls that states could elect to adopt to implement resolution 1540. UKUN expressed concern that any language other Council members could accept

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would fall well below the FATF standards. France expressed caution about trying to prescribe ways in which states should implement their obligations, but supported a general call for the Committee to disseminate "good" practices that states could follow as appropriate.

Voluntary Fund

¶19. (SBU) France welcomed the proposal to establish a voluntary fund for Committee use in supporting implementation, but UKUN expressed concern. Among other things, UKUN expressed doubt that the Security Council has the authority to establish such a trust fund and questioned whether the Committee and its experts would have the capacity to oversee the use of such a fund. Per reftel, USUN responded that the United States would provide details in a supplementary paper. Comment: The UK's concerns about the Security Council's authority appear to be technical ones. End Comment.

Comprehensive Review/Caucus Meetings

¶10. (SBU) UKUN asked for details on the proposal for the Security Council to conduct a comprehensive review of the status of implementation of resolution 1540. Would the United States want the Committee to prepare a detailed report to the Council in connection with that review, along the lines of the Committee's April 2006 report to the Council and the report the Committee will submit this April? To prepare such a report, UKUN thought the Committee would need to solicit, review, and analyze additional reports from states.

South Africa Raises Concerns

¶11. (SBU) Although reftel instructed USUN to raise the 1540 Committee's mandate renewal with the UK and France, in an

unplanned encounter at the UN on January 30, South Africa's representative to the 1540 Committee raised the mandate renewal issue and expressed interest in U.S. views. USUN responded that Washington had begun to consider options and recommended that the United States and South Africa remain in contact as thinking evolved. South Africa's expert advised USUN that South Africa favors a simple technical rollover of the 1540 Committee's current mandate but did not elaborate on the duration of such an extension. South Africa would oppose efforts to strengthen the Committee's mandate, either by mandating the Committee to apply specific standards for measuring states' implementation of resolution 1540 or by expanding or making more specific the underlying obligations in resolution 1540, he said.

KHALILZAD